

REMARKS

Claims 1-11 are pending. Claims 1-10 are allowed and Claim 11 is objected to. By this Amendment, Claim 11 is amended. Applicants respectfully submit no new matter is presented.

Claims 1-10 Allowed

Applicants acknowledge and appreciate the indication by the Examiner that: Claims 1-10 are allowed; prosecution of the application on the merits is closed in accordance with the practice under *Ex parte Quayle*; and the application will be allowed upon resolution of formal matters noted in Items 1 and 2 of the instant Office Action.

Formal Matters

Item 1 of the Office Action objects to Claim 11 for the formal matters discussed therein. Applicants respectfully submit that the claim has been amended responsive to the objection. In particular, Claim 11 has been amended by replacing each instance the term "predetermined standard value" is recited with the term "predetermined temperature" as suggested by the Examiner. Withdrawal of the objection is respectfully requested.

Surrender of Original Patent/Statement of Inaccessibility

Item 2 of the Office Action notes the original patent or a statement as to the loss or inaccessibility of the original patent must be submitted before the reissue application can be allowed.

In this regard, Hoshizaki Denki Kabushiki Kaisha, a corporation of Japan, assignee of the entire right, title and interest in United States Patent No. 5,931,011 and in the reissue

**For reissue of Patent No. 5,931,011
Serial No. 09/925,887
Attorney Docket No. 100816-00012**

application therefore by virtue of an assignment from the inventors of the original patent application that matured into the patent, recorded in the Patent and Trademark Office at Reel 9469, Frame 0082 on September 17, 1998, hereby offers to surrender the original patent, which is enclosed herein.

Conclusion

In view of the foregoing, reconsideration of the application, withdrawal of the outstanding objection, allowance of Claims 1-11, and the prompt issuance of a Notice of Allowability are respectfully solicited.

Should the Examiner believe anything further is desirable in order to place this application in better condition for allowance, the Examiner is requested to contact the undersigned at the telephone listed below.

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In the event this paper is not considered to be timely filed, the Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to counsel's Deposit Account No. 01-2300, referencing **attorney docket number 100816-00012**.

Respectfully submitted,
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Enclosures: Original Letters Patent No. 5,931,011
Petition for Extension of Time (1 month)
Check No. 444881

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